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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,904	07/17/2003	Larry G. Willemsen	KSR-11302/08	2130
25006	7590	03/25/2005	EXAMINER	
GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C			VAN PELT, BRADLEY J	
PO BOX 7021			ART UNIT	PAPER NUMBER
TROY, MI 48007-7021			3682	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/621,904	WILLEMSSEN ET AL.
	Examiner	Art Unit
	Bradley J Van Pelt	3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 January 2005.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 20-22 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 and 23-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/4/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I, Fig. 2 in the reply filed on January 18, 2005 is acknowledged. The traversal is on the ground(s) that the inventions are not patentably distinct or independent from each other. Since, however, the applicant admits that groups I-IV are not patentably distinct, groups I-IV will be examined together. The applicant did not traverse the remaining group V, Fig. 6, therefore, group V remains withdrawn from consideration.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 20-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on January 18, 2005.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 7-9, 14-17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Campbell (USPN 6,474,191).

Campbell discloses a housing 12 having an arcuate friction wall 44 wherein said friction wall has a radius of curvature centered on a pedal arm pivot point; a pedal arm 60 supported at

said pedal arm pivot point by a mounting means; a hysteresis generating means 38, 44 a spring 48 positioned between said housing and said hysteresis generating means wherein said spring biases said hysteresis generating means against said housing (see column 4, lines 25-36);

Said hysteresis generating means is a friction lever pivotally mounted to an outer end of said pedal arm;

Friction lever upper arcuate member is canted toward said housing friction wall;

Said pedal arm includes a disk portion 58;

Disk portion (lower portion of 30);

Said pedal arm mounting means is a post and bushing 26.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 18, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell (USPN 6,474,191) in view of applicant's admission that Groups I-IV are not patentably distinct (see response filed January 18, 2005, pp. 2, lines 12-13).

To modify the apparatus of Campbell so as to include the claimed structure would have been obvious to one of ordinary skill in the art at the time the invention was made as evidenced by applicant's admission in response filed January 18, 2005.

7. Claims 10-13, 23-27, and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Kalsi (USPN 6,263,859) and Hobein et al. (USPN 6,384,598).

Campbell discloses a cap mounted to said housing.

Campbell does not disclose an alignment post, a plurality of mounting posts, an induction sensor, wherein said induction sensor includes a first rotor and a second rotor and a stator suspended between first and second rotors;

Said first rotor includes a generally planar member with conductive plates positioned above a radially extending center post, and said second rotor is a generally planar member with conductive plates positioned thereon relative to said first rotor conductive plates and a center mounting aperture and said stator is mounted onto a generally planar circuit board supported by said cap mounting posts.

Kalsi discloses an alignment post 22, and a plurality of mounting posts 66.

Hobein et al. disclose an induction sensor, wherein said induction sensor includes a first rotor and a second rotor and a stator suspended between first and second rotors (Fig. 1); said first rotor includes a generally planar member with conductive plates positioned above a radially extending center post, and said second rotor is a generally planar member with conductive plates positioned thereon relative to said first rotor conductive plates and a center mounting aperture and said stator is mounted onto a generally planar circuit board.

To modify the apparatus of Campbell so as to provide a cap with mounting posts would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Kalsi that such an arrangement improves the fastening of the device.

To modify the apparatus of Campbell so as to implement an induction sensor would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Hobein et al. that such an arrangement improves the accuracy of the pedal device.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DeForest (USPN 6,860,170).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley J Van Pelt whose telephone number is 703.305.8176.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJVP



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